

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

TRAVIS ORLANDER DUSENBURY,)	
)	
Petitioner,)	
)	1:07CV368
v.)	1:01CR104-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

O-R-D-E-R

On October 10, 2007, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and notice was served on the parties in this action and a copy was given to the court.

Within the time limitation set forth in the statute, Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court hereby adopts the Magistrate Judge's Recommendation.

IT IS HEREBY ORDERED that Respondent's motion to dismiss (docket no. 60) be **GRANTED**, Petitioner's motion to vacate, set aside or correct sentence (docket no. 57) be **DENIED** and that this action be dismissed with prejudice. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the day of December 29, 2007

/s/ N. Carlton Tilley, Jr.
United States District Judge